IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

THURSDAY, THE 12TH JULY 2007 / 21ST ASHADHA 1929

WP(C).No. 4047 of 2004(F)

PETITIONER:

M.K.MOHANAN, SECRETARY, DISCHARGED SERVICEMEN ASSOCIATION, KERALA STATE COMMITTEE, CHALA EAST, KANNUR.

BY ADV. SRI.M.A.NISSAR,
SRI.S.M.PREM,
SMT.K.P.SANTHI.

RESPONDENTS:
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1. **THE UNION OF INDIA, REP. BY THE SECRETARY, DEFENCE OF INDIA, NEW DELHI - 1.**

2. **NATIONAL HUMAN RIGHTS COMMISSION, (LAW DIVISION) SARDAR PATEL BHAVAN, SANSAD MARG, NEW DELHI- 1.**

BY ADV. SRI.P. PARAMESWARAN NAIR, ASST. S.G,,
SRI. DINESH R. SHENOY,
SRI.C.S.AJITH PRAKASH.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 12/07/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C). NO.4047/2004:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P.1: COPY OF THE JUDGMENT IN O.P. NO. 18245/1999 OF THIS HON'BLE COURT.

EXT.P.2: COPY OF THE REPRESENTATION SUBMITTED TO THE R.2.

EXT.P.3: COPY OF THE ORDER DTD. 30-09-2003/ 23-10-2003 OF THE R.2.

RESPONDENT'S EXHIBITS: NIL.

//TRUE COPY//

prv.

KURIAN JOSEPH, J.

W.P. (C). NO. 4047 OF 2004

Dated this the 12th day of July, 2007.

J U D G M E N T

Challenge is on Exhibit P3 order passed by the second respondent-National Human Rights Commission. Commission, as per the impugned order, rejected the complaint holding that the same does not require intervention of the Commission. It is seen that the petitioner had approached this Court earlier leading to judgment dated 29.01.2002 in W.A. No. 3338/2001. It has been held by this Court that damages is an issue to be worked out independently.

2. The remedy open to the petitioner is to approach the Civil Court and not the Human Rights commission as it does not have jurisdiction to entertain the same. Without prejudice to the liberty to the petitioner to approach the Civil Court, this writ petition is dismissed.

KURIAN JOSEPH, JUDGE.

smp